IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

WP(C).No. 32039 of 2006(L)

[CRIME NO.313/2006 OF MEDICAL KOZHIKODE POLICE STATION TO A SENIOR OFFICER]

PETITIONER:

BINDU, W/O.ASOKAN,
PUTHALATH CHALIL HOUSE,
P.O.VELLIPARAMBA, KOZHIKODE.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS:

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1. SUB INSPECTOR OF POLICE,
MEDICAL COLLEGE POLICE STATION,
KOZHIKODE.

2. CITY POLICE COMMISSIONER,
KOZHIKODE.

3. STATE OF KERALA,
REP. BY ITS SECRETARY,
HOME DEPARTMENT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.K.A.AKBAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P.C.No.32039 of 2006

Dated this the 4th day of December 2006

O R D E R

The petitioner is the defacto complainant in Crime No.313/2006 registered under Section 323,324 and 447 read with 34 I.P.C. The alleged occurrence took place on 13/10/2006. The petitioner has rushed to this court with the grievance that proper F.I.R has not been registered and proper investigation is not being conducted. According to the petitioner, crime must have been registered under Section 452, 324 and 308 I.P.C. Instead crime has been registered making only innocuous allegations against the accused persons. The petitioner's statement has not been recorded properly. There is a deliberate attempt to play down the significance and gravity of the offences allegedly committed by the accused persons. In these circumstances, it is prayed that a senior police officer may be directed to conduct the investigation.

2. At the moment and with the available inputs, I find no reason to assume that the F.I.S has not been recorded properly. I do not also find any material to conclude that a proper investigation has not been conducted. However, in the light of the contention raised and the grievance made by the petitioner, I am satisfied that a

direction can be issued to the second respondent, City Police Commissioner, Kozhikode to ensure that he exercises proper supervisory control over the investigation which is being undertaken by the first respondent now. If the second respondent finds it necessary, the investigation must be handed over to a senior police officer also. This Criminal Miscellaneous Case is in these circumstances allowed in part with the above directions/observations.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006